

PRESENT: Honorable **HON. THEODORE H. LIMPERT**

Judge

**SYRACUSE CITY COURT  
NEW YORK STATE ONONDAGA COUNTY**

**Marcia K LaFave**

*Plaintiff*

**Vs.**

**Thomas J Catalano II**

*Defendant*

**ORDER TO SHOW  
CAUSE  
Index SC-00029-13**

ON READING AND FILING the affidavit of Thomas J. Catalano II, sworn to on 12/4/17, the affidavit of Suzanne Catalano, sworn to on 12/4/17, the affirmation of Anthony J. Pietrafesa, Esq., dated 12/5/17 the Memorandum of Law dated 12/8/17 and all the papers and proceedings had before this,

**LET THE PLAINTIFF SHOW CAUSE** at a Special/Motion Term of this Court at 505 S State Street, Syracuse, NY 13202, on January 31, 2018 ~~at 9:00 AM~~ or as a soon thereafter as counsel may be heard, why an Order should not be made: \*

- 1) vacating a default judgment entered in this court by plaintiff against defendant on 4/9/2013 and placing this on the general trial calendar:
  - a. per CPLR §5015(a)(3) due to the misconduct of the plaintiff in obtaining the judgment herein, or holding a hearing thereon, or
  - b. in the discreet exercise of the Court's inherent power to do substantial justice between the parties, or
  - c. per CPLR §5015(a)(1), and
  - d. costs and disbursements of this motion and action; and
  - e. for such other, further, or different relief as the Court finds proper,

and it is further **ORDERED** that any enforcement of this judgment is **STAYED** pending notice of entry of an order resolving this motion, per CPLR §§ 2201 and 5240, and

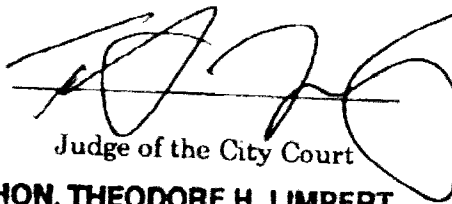
Sufficient reason appearing here, this Order and the papers upon which it is granted, shall be served on Carolyn Daley Scott, Esq., as attorney for plaintiff, PO Box 314, Port Jefferson NY 11776, by US Postal Priority Mail (which contains delivery confirmation service), no later than December 22, 2017 and responding papers, if any, must be served by January 24, 2018.

\* A determination on the motion will be made upon submission of papers only; the parties need not appear on that day.

A personal appearance by counsel \_\_\_\_\_ is or X is not required on the return date of the motion.

**ENTER:**

Signed on 12-12 2017 at Syracuse, NY

  
Judge of the City Court  
**HON. THEODORE H. LIMPERT**

*We appreciate a faxed copy of the signed order  
to 518-514-1241 or email to [ajp@ajp1law.com](mailto:ajp@ajp1law.com) to expedite service*